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6 Attorneys for Defendant  
LEXAR MEDIA, INC.  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
11

12 JENS ERIK SORENSEN, as Trustee of  
SORENSEN RESEARCH AND  
13 DEVELOPMENT TRUST,

14 Plaintiff,

15 v.

16 LEXAR MEDIA, INC., a Delaware corporation;  
and DOES 1 - 100,

17 Defendants.  
18

Case No. C08-00095 JW RS

REPLY DECLARATION OF DAVID  
ASHMORE IN SUPPORT OF  
DEFENDANT'S MOTION TO STAY  
THIS LITIGATION PENDING THE  
OUTCOME OF REEXAMINATION  
PROCEEDINGS

19 I, David Ashmore, declare:

20 1. I am Senior Assistant General Counsel for Micron Technology, Inc., parent  
21 corporation to its wholly-owned subsidiary, Lexar Media, Inc. ("Lexar"). I submit this  
22 declaration in support of Defendant's Reply to Plaintiff's Opposition to Motion to Stay This  
23 Litigation Pending the Outcome of Reexamination Proceedings. My understanding is that the  
24 facts stated herein are true and correct, and if called upon as a witness, I could competently testify  
25 to them.

26 2. During the course of the pre-suit discussions between Lexar and Sorensen  
27 Research and Development Trust ("Sorensen"), Lexar offered to provide to Sorensen copies of  
28 correspondence with Lexar's suppliers regarding Lexar's non-infringement of the patent in suit.

1 This correspondence would identify Lexar's suppliers.

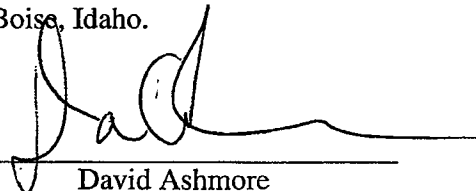
2 3. The conditions under which the correspondence was offered were that  
3 Sorensen and Sorensen's counsel would agree: (1) to keep them confidential and accessed only  
4 by Sorensen and Sorensen's counsel; (2) to never use them for any purpose other than evaluating  
5 Sorensen's infringement allegations against Lexar concerning the patent-in-suit; (3) that Lexar  
6 has not waived any privileges by sharing them; and (4) that Sorensen will never claim any waiver  
7 as a result of Lexar's sharing the correspondence with Sorensen.

8 4. Sorensen refused to agree to the conditions under which Lexar was willing  
9 to share correspondence with its suppliers.

10 5. Lexar has taken affirmative steps to preserve relevant documents in  
11 connection with this litigation, including providing a written "hold" notice to employees likely to  
12 have such documents.

13 I declare under penalty of perjury under the laws of the United States of America  
14 that the foregoing is true and correct.

15 Executed this 18th day of April, 2008, at Boise, Idaho.

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19 David Ashmore  
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